**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Police – Petition of Sri K. Lakshmana Rao, Ex. SI of Police formerly V.R., West Godavari District, Eluru against the punishment of "Dismissal from Service" awarded by the Deputy Inspector General of Police, Eluru Range, Eluru – Punishment set-a-side - Orders - Issued.

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**HOME (SERVICES.II) DEPARTMENT**

G.O.RT.No. 658 Dated: 02-07-2020

Read the following:-

1. From the Director General of Police, Andhra Pradesh, Mangalagiri, Lr. Rc. No. 591/T1/2017, Dt: 30.04.2019.
2. Representation of Sri K. Lakshmana Rao, Ex SI of Police, V.R, W.G Godavari District, Eluru, dated.27.11.2019.

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**ORDER:**

In the reference 1st read above, the DGP, AP has informed that the Hon'ble Court of I-Special Magistrate, Vijayawada pronounced judgment in CC.No.624/2014 on 28-09-2015 against Sri Lakshmana Rao, Ex SI of Police, V.R, W.G Godavari District, Eluru is as follows:

> "that the SI of Police was found guilty of the offence punishable u/s 138 of Negotiable Instruments Act and **convicted** under section 255[2] Cr.PC and sentenced to undergo Simple Imprisonment for a period of six [06] months and also to pay a fine of Rs.2,30,000/ - in default to suffer simple Imprisonment for a period of six [06] months"

2. Aggrieved by the orders, the Charged SI has filed Criminal Appeal No.286/2015 before the XII Additional District and Sessions Judge, Vijayawada and the Hon'ble Court has issued orders on 09.09.2016.

3. The charged SI has filed Criminal Revision vide CrI.R.C.No.1004/2017 in Hon'ble High Court against the orders in Criminal Appeal.No.286 /2015, date:09.09.2016.

4. The Hon'ble High Court in Criminal Revision Case 1004/2017 has issued orders on 17-04-2017 as follows:-

> "Notice before admission.
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> "For hearing post on 02-06-2017, there shall be interim suspension of sentence only on execution of self-bond for Rs.10,000 with two sureties for likesum each to the satisfaction of the learned trial Magistrate concerned to enlarge the petitioner forthwith. With regard to the fine, the petitioner has to pay 1/4 of the compensation/fine amount of Rs.2,30,000/- to the complainant / fine amount of Rs.2,30,000/ - to the complainant within six weeks from today. In case of failure to pay, the trial court can enforce by execution for recovery U/sec.421 r/ w 431 Cr.PC."

5. The DIG, Eluru Range, Eluru has informed that - in exercise of the powers conferred by Rule 25 [i] of the Andhra Pradesh Civil Services [Classification, Control and Appeal Rules, 1991], he has **Dismissed** Sri K.Lakshmana Rao, SI of Police, VR., West Godavari District, Eluru, from the service with effect from 04-04-2017 AN lie., the date of his arrest] vide R.O.No.382/ 2017 [C.No. 1514/P1/2017], Dt.18-07-2017.

**P.T.O.**

6. Further, the DGP has stated that, as per record of Service, the actual date of superannuation of the charged SI is 31.08.2017.

7. The charged Ex.SI has submitted a Petition dated: 14/15.09.2017 to the DGP requesting to set aside the dismissal.

8. Further, the charged Ex.SI of Police has filed an O.A.No.1501/2018 in the Hon'ble APAT, Hyderabad praying the tribunal as follows:

> "to declare the proceedings of the [3rd respondent Dy. Inspector General of Police, Eluru Range, Eluru,] bearing C.No. 1514/ P1/ 2017/Ro.No.382/ 2017, dated: 18.07.2017, imposing a major penalty of dismissal from service with effect from 04.04.2017 and the action of the [2nd respondent, DGP] in not considering and passing orders on the appeal filed by the applicant dt. 14-09-2017 and also in not paying provisional pension to the applicant, pending Appeal, as illegal, arbitrary and constitutional being violative of Article 14 & 21 of Constitution of India and consequently direct the respondents to release pensionary benefits including gratuity etc., to the applicant.

9. The Hon'ble Tribunal has disposed of the O.A. at the admission stage and passed orders dt. 27-07-2018 in 0.A.No.1501/2018 as follows:

> "Therefore, the 2nd respondent [DGPJ is directed to consider the appeal dt.14.09.2017 filed by the applicant questioning the orders of dismissal dt. 18-07-2017 passed by the 3rd respondent and pass appropriate orders as per law within a period of ten weeks from the date of receipt of copy of the order".

10. In view of the above APAT Orders, the DGP, A.P., has requested to ratify the orders of the DIG, Eluru Range, Eluru, and the punishment of Dismissal from Service may be modified to that of "RTSP by 2 years/2 stages with effect on pension".

11. Government, after careful examination of the matter with reference to the records made available, hereby set aside the punishment of "Dismissal from Service" in respect of Sri K. Lakshmana Rao, Ex. SI of Police formerly V.R., West Godavari District, Eluru and he is deemed to have retired service with effect from 30-08-2017 on superannuation.

12. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**KUMAR VISHWAJEET**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General of Police, Andhra Pradesh, Mangalagiri.
The individual through the DGP, A.P.
Copy to:
The OSD to Minister (Home).
The DIG, Eluru Range.
SF/SC.

**//FORWARDED :: BY ORDER//**

**SECTION OFFICER**